



Circular No. LWU 14
Date 27 September 2013
Contact Padmini Vitharana
Phone 8281 7429
Email Padmini.vitharana@water.nsw.gov.au

New Provisions in the Local Government (General) Regulation 2005 for Regulation of Sewage and Trade Waste Discharges to Sewerage Systems in Regional NSW

On 9 August 2013 the *Local Government (General) Regulation 2005* (Regulation) was amended¹ to incorporate new provisions in regard to regulation of sewage and trade waste discharges to council sewerage systems in regional NSW. This Circular LWU 14 highlights these amendments to the Regulation.

Prohibited substances

New clause 137A of the Regulation specifies roof, rain, surface, seepage and ground water as substances prohibited from discharge to the sewerage system (refer to Attachment A). Accordingly, any unauthorised roof connection from residential or non-residential premises that discharges stormwater to a council sewerage system is now prohibited under the *Local Government Act 1993*. Such dischargers are guilty of an offence under s.638 of the Act. On the spot penalties can also be applied under Schedule 12 of the Regulation as discussed overleaf.

Please note that unauthorised discharge of the above substances by a trade waste discharger is already prohibited under the *Liquid Trade Waste Regulation Guidelines 2009* (www.water.nsw.gov.au) and council liquid trade waste regulation policies. Such trade waste discharges are prohibited unless approved under s.68 of the *Local Government Act*. No changes are needed to council trade waste regulation policies. Where a council supports the acceptance of limited quantities of these substances to its sewerage system, concurrence of the NSW Office of Water will continue to be necessary. Each application for the discharge of such waters to the sewerage system will need to continue to be assessed on a case by case in accordance with the *Liquid Trade Waste Regulation Guidelines, 2009* (page 170 of Appendix D and pages 269 to 273 of Appendix F).

¹ The amendment was effected by the *Local Government (General) Amendment (Council Sewerage Systems) Regulation 2013*.
<http://www.legislation.nsw.gov.au/sessionalview/sessional/subordleg/2013-419.pdf>

In addition to the sewage and trade waste matters discussed in this Circular, the above Amendment Regulation covers:

- Clause 125AA - Maximum annual charge for stormwater management services (section 510A)
- Clause 158 - Testing of meters

- **Inspection of pipes and measurement of sewage**

Clause 143 of the Regulation has been amended by providing councils with the power to inspect any trade waste pre-treatment devices and to measure both the quantity and quality of wastewater discharged from a premises.

- **Schedule 12 – Penalty notice offences**

This schedule has been amended by including penalty notice offences for failure to obtain an approval to discharge waste under s.68 Part C4 of the *Local Government Act* and for failure to comply with such an approval. Such notices can be also issued for the discharge of prohibited substances. The Regulation specifies a maximum penalty of \$330.

Council's authorised officers can issue the above penalty notices, where appropriate. Councils are advised to apply such powers where there is a proper cause and sufficient evidence.

- **Liquid Trade Waste Policy**

Any Liquid Trade Waste Regulation Policy adopted after 9 August 2013 needs to incorporate references to the current *Regulation* in accordance with Attachment 1. All new council approvals of trade waste discharges to the sewerage system need to refer to relevant clauses of the new *Regulation* to ensure validity.

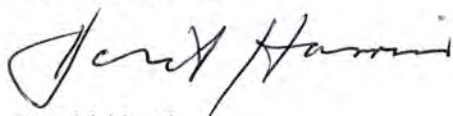
To assist LWUs with updating their Local Approval Policies and approval conditions, the Office of Water has updated the following Appendices of the *Liquid Trade Waste Regulation Guidelines 2009*:

- * Appendix B – Liquid trade waste provisions in the Local Government Act and the Local Government (General) Regulation
- * Appendix C – Liquid trade waste application forms
- * Appendix D – Model policy for discharge of liquid trade waste to the sewerage system
- * Appendix E – General conditions of approval

The updated *Appendices* are now available on the Office of Water's website www.water.nsw.gov.au and have been emailed to all LWUs.

Any enquires in relation to this Circular should be directed to Padmini Vitharana on 8281 7429 or at padmini.vitharana@water.nsw.gov.au.

Yours sincerely



David Harriss
Commissioner
NSW Office of Water

Encl

137A Substances prohibited from being discharged into public sewers

- (1) For the purposes of section 638 of the Act (Discharge of prohibited matter into sewer or drain), roof, rain, surface, seepage or ground water is prescribed as prohibited matter.
- (2) This clause does not apply in relation to:
- (a) a discharge that is specifically approved under section 68 of the Act, or
 - (b) a discharge into a public drain or a gutter of a council, or
 - (c) a discharge in an area of operations within the meaning of the Sydney Water Act 1994 or the Hunter Water Act 1991.

143 Inspection of pipes and drains and measurement of water and sewage

- (1) The council may, at any reasonable time:
- (a) inspect any service pipe connected to a water main, and
 - (b) inspect any drain connected to a sewer main, and
 - (c) install meters or other devices for measuring the quantity of water supplied to, or the quantity and quality of sewage discharged from, premises, and
 - (d) measure the quantity of water supplied to, or the quantity and quality of sewage discharged from, premises, and
 - (e) inspect any pre-treatment devices connected to the council's sewerage system.
- (2) The occupier of the relevant premises must provide to the council such information as it requires to enable it to estimate the quantity of water actually supplied to, or the quantity and quality of sewage actually discharged from, the premises.
- (3) In this clause, **pre-treatment device** means any device used to reduce or eliminate contaminants in trade waste, or to alter the waste's nature, before it is discharged into a sewer.

Schedule 12 Penalty notice offences

Section 626 (3)—carry out without prior approval of council an activity specified in item 4 of Part C (Management of waste) of the Table to section 68	\$330
Section 627 (3)—having obtained the council's approval to the carrying out of an activity specified in item 4 of Part C (Management of waste) of the Table to section 68, carry out the activity otherwise than in accordance with the terms of that approval	\$330